

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 346**

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**Introduced by Senator Harman**

February 15, 2011

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An act to amend Section 23399.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 346, as amended, Harman. Alcoholic beverages: licensing.

Existing law makes it unlawful for any person other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture, or import alcoholic beverages in this state. Existing law allows the serving of alcohol without a license or permit in a limousine or as part of a hot air balloon ride service, provided there is no extra charge or fee for the alcoholic beverages.

This bill would additionally allow the serving of alcoholic beverages without a license where the serving of alcoholic beverages is part of a gondola ride service, provided there is no extra charge or fee for the alcoholic beverages.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 23399.5 of the Business and Professions
- 2     Code is amended to read:
- 3     23399.5. No license or permit is required for the serving of
- 4     alcoholic beverages as part of a hot air balloon ride service, as part
- 5     of a gondola ride service, or in a limousine by any person operating

1 a limousine service regulated by the Public Utilities Commission,  
2 provided there is no extra charge or fee for the alcoholic beverages.  
3 ~~For purposes of this section, there is no extra charge~~ *alcoholic*  
4 *beverages. There is no extra charge* or fee for the alcoholic  
5 beverages when the fee charged for the hot air balloon ride service,  
6 gondola ride service, or limousine service is the same regardless  
7 of whether alcoholic beverages are served.  
8 *For purposes of this section, “gondola” means a boat built or*  
9 *modeled after the traditional gondolas of Venice, Italy, that is*  
10 *propelled by a pole, single oar, or a motor and is equipped to carry*  
11 *no more than six passengers.*